

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

EXPRESS MOBILE, INC.,	§	
	§	
Plaintiff,	§	No. 2:17-CV-00130-JRG-RSP
	§	(lead case)
v.	§	
	§	No. 2:17-CV-00160-JRG-RSP
BIGCOMMERCE, INC.,	§	(member case)
	§	
Defendant.	§	

**ORDER**

In this patent case, Defendant BigCommerce, Inc. moves to transfer based on the alleged impropriety of venue in this District. Def.’s Am. Motion to Dismiss for Improper Venue [Dkt. # 13].<sup>1</sup> Defendant argues that, even though it is a Texas corporation, venue is improper in this District under *Stonite Prods. Co. v. Melvyn Lloyd Co.*, 315 U.S. 561 (1942).

This Court has already considered and rejected that argument in another case involving Defendant. *See Diem LLC v. BigCommerce, Inc.*, 2017 WL 3187473, at \*2 (E.D. Tex. July 26, 2017) (concluding “a domestic corporation resides in the state of its incorporation and if that state contains more than one judicial district, the corporate defendant resides in each such judicial district for venue purposes”). Defendant has articulated no reason to distinguish this case from that earlier ruling. Therefore the Court **DENIES** the

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<sup>1</sup> Despite the title of the motion, Defendant only seeks transfer. The Court may therefore resolve this motion directly without a Report and Recommendation.

transfer requested in Defendant's Motion [Dkt. # 13].

**SIGNED this 8th day of November, 2017.**

  
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ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE